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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,606	03/16/2000	Robert S. Mancini	3499-59	1911
27383	7590	11/19/2003	EXAMINER	
CLIFFORD CHANCE US LLP 200 PARK AVENUE NEW YORK, NY 10166			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/526,606	MANCINI ET AL.	
	Examiner	Art Unit	
	Alain L. Bashore	3624	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 August 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 40-55 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 40-55 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 40, 43-44, 46, 48-49, 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (433) in view of Potter et al.

Boesch et al discloses a computer-implemented method, system, a computer executable code residing on a computer-readable medium, and a method of generating a computer data signal, all for providing risk management for online transactions on a computerized communications network (col 2, lines 62-67; col 3, lines 1-41). Executable software is stored on a server via the network. Digital data identifying a seller and descriptive of currency exchange price that relates to base currency is also disclosed. The transaction may additionally comprise aggregating transaction amounts where the size of the aggregate amount may be limited (col 8, lines 49-53).

Boesch et al does not inherently disclose:

a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions; and,

digital data that includes date of transaction execution.

Potter et al discloses predetermined period of time during which currency exchange price will be adhered to (see abstract) and digital data including date of transaction execution (figs 15-23).

It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include digital data that includes date of transaction execution because Potter teaches imputs required for transaction to commence (col 3, lines 21-25).

It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions because of what is taught by both Boesch et al and Potter et al. Boesch et at teaches a maximum predetermined period of time for the transaction (col 5, lines 10-15). And Potter et al teaches liability of state rates (see abstract).

3. Claims 41-42, 45, 47, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (433) in view of Potter et al as applied to claims 40, 43-44, 46, 48-49, 51-55 above and further in view of Garber.

Boesch et al (621) in view of Potter et al does not explicitly disclose: a projected amount of sales, forward contract amount, or spot price.

Garber discloses spot price considerations regarding foreign currency (col 2, lines 17-63).

The recitations of "projected amount of sales" and "forward contract amount" are sufficiently broad to encompass the use of spot price as disclosed to Garber et al.

It would have been obvious to one with ordinary skill in the art to include projected amount of sales, or forward contract amount, or spot price to Boesch et al (621) in view of Potter et al because Garber teaches risk in currency transactions (col 3, lines 19-37).

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761

(CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 40-55 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24, 26-27, 29-39 of copending Application No. 09/702,956 in view of Garber.

A "tolerance parameter" is considered broadly to include a predetermined time period.

An "e-commerce participant" is considered broadly to include seller of at least one of: goods and services.

There is not claimed a spot price.

Garber discloses spot price considerations regarding foreign currency (col 2, lines 17-63).

It would have been obvious to one with ordinary skill in the art to include spot price to the copending application because Garber teaches risk in currency transactions (col 3, lines 19-37).

This is a provisional obviousness-type double patenting rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

  
Alain L. Bashore



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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